

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**THE UNION CENTRAL LIFE
INSURANCE COMPANY,**

Plaintiff

v.

C-1-09-758

**ANDRAOS CAPITAL MANAGEMENT &
INSURANCE SERVICES, INC., d/b/a
ANDRAOS CAPITAL MANAGEMENT, *et al.*,**

Defendants

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 59), plaintiff's objection (doc. no. 61) and defendants' reply (doc. no. 62). The Magistrate Judge recommended that plaintiff's Motion for Partial Summary Judgment (doc. no. 41) be denied and that plaintiff's Motion to Dismiss certain counterclaims brought by defendant Andraos (doc. no. 52) be denied without prejudice.

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (doc. no. 59). Plaintiff's Motion for Partial Summary Judgment (doc. no. 41) is DENIED. Plaintiff's Motion to Dismiss certain Counterclaims brought by defendant Andraos (doc. 52) is DENIED without prejudice.

Parties are advised that Trial in this matter is RESCHEDULED to the February 2012 trial term. Counsel shall file their Joint Final Pretrial Order on or before January 6, 2012.

This matter is RECOMMENDED to the United States Magistrate for further proceedings according to law.

IT IS SO ORDERED.



Herman J. Weber, Senior Judge

United States District Court